Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8097 OF 2007

Satish Prabhakar Lamge ..Petitioner

versus

Babruvahan R. Valdi & Ors. ..Respondents

Mr. Kailash More i/b. Mr. Suresh Dubey for the Petitioner.

CORAM : S. A. BOBDE, J.
DATE : 31ST OCTOBER, 2007.

P.C.

. The learned trial court has rejected the petitioner's prayer for trying one of the issues as a preliminary issue. The trial court has mainly done so on the ground that the matter is at the evidence stage and well past the stage of Order XIV Rule 2 of the Civil Procedure Code.

2. Indeed the Order XIV Rule 2 contemplates a decision to try a preliminary issue at the stage of settlement of issues. Order XIV empowers the court postpone the settlement of other issues if it is of the view that the matter should be disposed of on a

preliminary issue. The trial court was perfectly justified, in exercise of its discretion conferred by Order XIV, to proceed with the hearing of the whole case and not just one issue.

3. In the result, the Petition is rejected.

(S.A. BOBDE, J.)